

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

ALBERTO VÁZQUEZ-COLÓN, his wife	*	CIVIL NO.
HILDA PIÑEIRO and the conjugal	*	
partnership formed between them;	*	
MARIA DEL PILAR VÁZQUEZ-COLÓN;	*	
and ALBERTO VÁZQUEZ-PIÑEIRO	*	PLAINTIFFS DEMAND TRIAL
as parent with <i>patria potestas</i> and	*	BY JURY
custody over minor plaintiff	*	
JONATHAN A. VÁZQUEZ-MENDOZA	*	
	*	
Plaintiffs	*	
	*	
vs	*	
	*	
DI DENG; AAA MICHIGAN;	*	
COMPANIES A, B and C; JOHN DOE	*	
and RICHARD ROE	*	
	*	
Defendants	*	
*****		

## COMPLAINT

TO THE HONORABLE COURT:

COME NOW plaintiffs through the undersigned legal representation and most respectfully state, request and pray:

## JURISDICTIONAL ALLEGATIONS

1. Jurisdiction exists pursuant to the diversity of citizenship statute, 28 USC sec. 1332, in that plaintiffs are citizens of the Commonwealth of Puerto Rico; defendant, Mr. Di Deng, is a citizen of the State of Michigan; defendant AAA Michigan is corporation and/or legal entity organized and existing under the laws of Michigan or a State other than the Commonwealth of Puerto Rico, with its principal place of business in Michigan or a State other than the

Commonwealth of Puerto Rico; and defendants Jonh Doe and Richard Doe are natural persons and/or corporations and/or legal entities organized and existing under the laws of a State other than the Commonwealth of Puerto Rico, with their principal place of business in a State other than the Commonwealth of Puerto Rico; and the amount in controversy exceeds the sum of \$75,000.00 exclusive of interests and costs.

2. Venue of this action lies properly in this Honorable Court pursuant to 28 USC sec. 1391.

#### THE PARTIES

3. Co-plaintiffs, Alberto Vázquez-Colón and Hilda Piñeiro, are of legal age, married to each other, residents of San Juan, Puerto Rico, and together they form a conjugal partnership. Mr. Alberto Vázquez-Colón is the brother of co-plaintiff, Maria del Pilar Vázquez-Colón, father of co-plaintiff, Alberto Vázquez-Piñeiro, and grandfather of co-plaintiff, Jonathan A. Vázquez Mendoza.

4. Co-plaintiff, Maria del Pilar Vázquez-Colón, is of legal age and resident of San Juan, Puerto Rico.

5. Co-plaintiff, Alberto Vázquez-Piñeiro, is of legal age, resident of San Juan, Puerto Rico, and the parent with *patria potestas* and custody over his minor son and co-plaintiff, Jonathan A. Vázquez Mendoza, who is twenty (20) years old and resident of San Juan, Puerto Rico.

6. Co-defendant, Mr. Di Deng (hereinafter Mr. Deng), is of legal age and resident of 2200 Fuller Ct., Apt. 403B, Ann Arbor, Michigan.

7. Co-defendant, AAA MICHIGAN (hereinafter AAA), is the insurance company which at the time the facts of this case took place had in full force and effect an insurance policy (#AUTO11567066) issued in favor of co-defendant, Mr. Deng which covers the accident in question. The offices of its principal place of business are located at 1 Auto Club Drive, Dearborn, Michigan 48126.

8. Co-defendants, Companies A, B and C, are other insurance companies which at the time the facts of this case took place had in full force and effect insurance policies in favor of co-defendants, under whose terms and conditions they are jointly and severally liable with their insured to plaintiffs for the facts and damages alleged herein. In the alternative, Companies A, B and C are legal entities that caused and/or contributed to cause the damages to plaintiffs.

9. Co-defendants, John Doe and Richard Roe are unknown defendants who committed negligent acts or omissions that caused and/or contributed to cause plaintiffs' damages.

10. All of the named defendants are jointly and severally responsible to plaintiffs for the damages caused to them. All defendants fictitiously named herein will be correctly named once their identities are determined.

#### THE FACTS

11. On January 9, 2010, at about 4:10 p.m., co-plaintiffs, Alberto Vázquez-Colón, Maria del Pilar Vázquez-Colón and Jonathan A. Vázquez Mendoza, rode in the Infiniti, G-35, year 2003, Puerto Rico license plate number ERJ-195, driven by Jonathan, along Alto Polo Street in San Juan, Puerto Rico, in a

west to east direction. María del Pilar was in the passenger front seat and Alberto was in the back seat.

12. When plaintiffs arrived at the intersection of Alto Polo Street with Puerto Rico Road number 1, they stopped the car at the traffic light which was red at the time. Their car was the first one in line waiting for the red light to turn green.

13. After the red light turned green, plaintiffs' car started to cross the intersection to enter Urb. Milaville Garcia where Mr. Vázquez-Colón resides.

14. At that time, defendant, Mr. Deng, drove a Chrysler, Sebring, year 2008, Puerto Rico license plate number HIJ-412, rented from Avis Budget de Puerto Rico, Inc., along Puerto Rico Road number 1 in San Juan in a north to south direction.

15. Defendant did not stop his vehicle at all at the red light of the intersection with Alto Polo Street, ran the red light and crashed his car into plaintiffs' vehicle. Defendant crashed the front of his car right in the middle of the left side of plaintiffs' car.

16. The crash was so hard that the cars bounced and defendant's vehicle crashed instantly a second time into the rear of the left side of plaintiffs' car.

17. As a result of the foregoing accident, plaintiffs sustained multiple trauma and injuries throughout their bodies. After the occurrence of the accident, plaintiffs had to be transported in an ambulance to the Emergency Room of the Puerto Rico Medical Center in Rio Piedras where they received emergency medical treatment.

LIABILITY

18. The accident suffered by plaintiffs as they rode in the Infiniti, G-35, year 2003, Puerto Rico license plate number ERJ-195, along the intersection of Alto Polo Street and Puerto Rico Road number 1, was caused solely by the negligent and reckless driving of the Chrysler, Sebring, year 2008, Puerto Rico license plate number HIJ-412, along Puerto Rico Road number 1, by defendant, Mr. Di Deng, who drove the vehicle carelessly without obeying and/or paying attention to the traffic signs and ran the red light in detriment of the safety of other people.

19. The exclusive and proximate cause of the damages claimed herein is the negligence of defendant, Di Deng.

20. Codefendant, AAA MICHIGAN, is jointly and severally liable for the negligence of its insured, Di Deng.

DAMAGES

21. As a result of the defendant's negligent acts and/or omissions, Mr. Alberto Vázquez-Colón suffered extensive physical injuries and profound mental anguish and anxiety. He was transported in an ambulance to the Emergency Room of the Puerto Rico Medical Center in Rio Piedras where he received emergency medical treatment and had to stay until next day when he was discharged. He sustained an impacted fracture of the humeral surgical neck in his left shoulder which caused him tremendous pain. His entire arm and shoulder were completely immobilized for a month and a half, which in turn caused him a lot pain and discomfort in his back. He had a lot of difficulty to sleep due to the immobilization and the severe pain in his left shoulder. He also

sustained trauma to his right shoulder, arm, elbow, back and legs. As a result thereof, he has required extensive medical treatment including multiple physical therapy sessions. Notwithstanding the amount of medical care thus far received, Mr. Vázquez-Colón has a partial physical permanent impairment which affects adversely his daily living activities. His physical and emotional damages are valued in the sum of \$400,000.00, for which the defendants are jointly and severally liable.

22. As a result of the defendant's negligent acts and/or omissions, Mr. Alberto Vázquez-Colón has suffered a loss of income in a sum greater than \$50,000.00, for which the defendants are jointly and severally liable. Mr. Vázquez-Colón is an engineer and businessman who as a result of the injuries sustained in this accident was not able to work and take care of his businesses for about a month, for which he sustained a loss of income.

23. As a result of the defendant's negligent acts and/or omissions, Hilda Piñeiro has suffered profound mental anguish as a consequence of the damages suffered by her husband Alberto Vázquez-Colón, her grandson Jonathan A. Vázquez-Mendoza and her sister in law María del Pilar Vázquez-Colón. Her emotional damages are valued in the sum of \$50,000.00, for which the defendants are jointly and severally liable.

24. As a result of the defendant's negligent acts and/or omissions, Jonathan A. Vázquez-Mendoza suffered extensive physical injuries and profound mental anguish. He was transported in an ambulance to the Emergency Room Puerto Rico Medical Center in Rio Piedras. He sustained trauma to his abdomen, chest, pelvis, back and face. After the accident, he

has had a lot of anxiety, difficulty to sleep and rest and suffers a lot of nightmares which make him feel tired constantly. He had to receive physical therapy treatment. His physical and emotional damages are valued in the sum of \$200,000.00, for which the defendants are jointly and severally liable.

25. As a result of the defendant's negligent acts and/or omissions, María del Pilar Vázquez-Colón suffered extensive physical injuries and profound mental anguish. She sustained trauma to her neck, shoulders, back, hip, left arm and leg. She had many bruises in her body. As a consequence of the neck and back sprains, she has suffered chronic painful spasms. As a result thereof, she has required extensive medical care and treatment including multiple physical therapy sessions. Notwithstanding the amount of medical care thus far received, Ms. Vázquez-Colón will continue to require future medical care and with all likelihood will suffer a partial physical permanent impairment which affects adversely her daily living activities. Her physical and emotional damages are valued in the sum of \$200,000.00, for which the defendants are jointly and severally liable.

26. As a result of the defendant's negligent acts and/or omissions, María del Pilar Vázquez-Colón suffered the total lost of her vehicle Infiniti, G-35, year 2003, Puerto Rico license plate number ERJ-195, valued in the sum of \$13,000.00, and had to rent a car for a period of time which cost her \$1,266.00, for which the defendants are jointly and severally liable.

27. The claim number at the Automobile Accident Compensation Administration (ACAA) is 10-252022-02 and a copy of this complaint is being mailed to ACAA, PO Box 364847, San Juan, PR 00936-4847.

JURY DEMAND

28. Plaintiffs demand a trial by jury.

WHEREFORE, it is respectfully requested that this Honorable Court enter judgment in favor of plaintiffs, ordering the defendants to pay the plaintiffs the sums prayed herein, with the imposition of costs, interests and a reasonable amount for attorney's fees.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 5<sup>th</sup> day of January, 2011.

s/José Miguel Náter  
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